

JOSEPH MORET

NOVEMBER 12, 1943.—Ordered to be printed

Mr. ELLENDER, from the Committee on Claims, submitted the following

REPORT

[To accompany S. 1325]

The Committee on Claims, to whom was referred the bill (S. 1325) for the relief of Joseph Moret, having considered the same, report favorably thereon and recommend that the bill do pass with the following amendment:

Page 1, line 6, strike out the figures "\$17,191.66" and insert in lieu thereof the figures "\$5,845.16".

The purpose of the proposed legislation is to pay the sum of \$5,845.16 to Joseph Moret, of Palm City, Calif., in full settlement of his claims against the United States for the death of his wife, Ella Moret; damage to his grounds, residence, and personal property, as a result of a United States Navy airplane crashing into his home in Palm City, Calif., on February 17, 1943.

STATEMENT OF FACTS

On February 17, 1943, a United States naval airplane crashed into the private residence of Joseph Moret, in Palm City, Calif.; the sole occupant of the residence at the time of the accident was Mrs. Ella Moret, aged 71, who was struck by the plane and instantly killed. According to the report of the Honorable Frank Knox, Secretary of the Navy, the original claim filed with the Navy Department by Joseph Moret contained the following items:

Funeral and burial expenses, Mrs. Moret.....	\$395. 16
Real-property damage to house.....	5, 000. 00
Real-property damage to grounds.....	100. 00
Personal-property damage.....	1, 696. 50
Total.....	7, 191. 66

The \$10,000 difference between the total of the original claim and the amount of the proposed legislation appears to be the compensation sought for the death of Mrs. Ella Moret. The Department report

further states that though extensive damage was done to the residence, \$5,000 appears to be excessive, considering the inexpensive construction of the building. Photographs were submitted and attention was called to the fact that the walls and ceilings were without lath or plaster and that the roof was insubstantial and flimsy. The building has been repaired by claimant. One estimate fixes the cost of repair at \$400; and though it is admitted that about 6 feet were removed from the house, no figure was fixed as compensation for the decrease in value due to the now smaller area or cubic content of the house. Another estimate which goes into greater detail fixes the cost at \$960. All personal property in the portion of the residence traversed by the plane was completely destroyed. The only evidence the Navy Department had of the articles of personal property damaged was the list submitted by the claimant, which set the value at \$1,696.50.

The Navy Department states that, as the damages occasioned by the crash resulted from no fault of Joseph Moret, it considers the bill meritorious and recommends its enactment, subject to the comments set forth in its report, in such amount as the Congress may deem appropriate. The Bureau of the Budget interposes no objection to the enactment of legislation for the relief of Joseph Moret in an amount commensurate with the damages sustained, but that in the opinion of that office the sum proposed in the bill is grossly excessive.

Your committee are also of the opinion that the amount called for in the bill is excessive, and therefore amended the bill to allow Mr. Moret \$3,500 for the death of his wife, \$1,000 damage to his house and grounds, \$395.16 funeral and burial expenses, and \$950 personal property damage, or a total of \$5,845.16, and recommend favorable consideration of the bill, as amended.

Appended hereto is the report of the Navy Department.

NAVY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, October 30, 1943.

Hon. ALLEN J. ELLENDER,
*Chairman of the Committee on Claims,
United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Reference is made to bill S. 1325, for the relief of Joseph Moret, and your letter of July 8, 1943, requesting a report of the facts and an expression of opinion as to the merits of the bill.

The purpose of the bill is to authorize the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Joseph Moret, of Palm City, Calif., the sum of \$17,191.66, in full satisfaction of his claims for compensation for the death of his wife, Ella Moret, who died as a result of personal injuries sustained by her when a United States Navy airplane crashed into the private residence of said Joseph Moret in Palm City, Calif., on February 17, 1943, and for damage to his grounds, residence, and personal property as a result of said accident.

The records of the Navy Department disclose that on February 17, 1943, United States Navy airplane F4U-1, Bureau No. 02194, while on a duly authorized flight was on the downwind leg of the approach, preparatory to a landing at Ream Field, when a sudden and complete failure of engine power occurred. In making the forced landing the plane struck the ground just east of Sixth Street and south of G Street in Palm City, and ricocheted westward across Sixth Street, crashed through the east wall of the Joseph Moret residence, and stopped with the propeller and engine projecting through the west wall thereof. The force of the impact moved the entire structure about 9 inches westward.

The sole occupant of the Moret residence at the time of the accident was Mrs. Ella Moret, aged 71, who was struck by the plane and instantly killed.

The original claim filed with the Navy Department by Joseph Moret contained the following items:

Funeral and burial expenses, Mrs. Moret	\$395. 16
Real property damage (to house)	5, 000. 00
Real property damage (to grounds)	100. 00
Personal property damage	1, 696. 50
Total	7, 191. 66

The \$10,000 difference between the total of the original claim and the amount of bill S. 1325 appears to be the compensation sought for the death of Mrs. Ella Moret.

Though the records show that extensive damage was done to the residence of Joseph Moret, \$5,000 appears to be excessive considering the inexpensive construction of the building. The damage and type of construction are shown by the photographs attached hereto as exhibits A and B. Attention is invited to exhibit A showing the interior construction—the fact that the walls and ceiling were without lath or plaster. Said exhibit A also shows the insubstantial and flimsy construction of the roof. Exhibit B shows the exterior construction.

The building has been repaired by Joseph Moret and is at present being occupied by a tenant. One estimate, attached hereto as exhibit C, fixes the cost of repair at \$400, and though it admits about 6 feet was removed from the house no figure was fixed as compensation for the decrease in value due to the now smaller area or cubic content of the house.

Another estimate which goes into greater detail fixes the cost of repair of the residence at \$960. Said estimate and the qualifications of the estimator are attached hereto as exhibits D and E, respectively. Attention is invited to the fact that said estimate D shows the floor plan of the original structure and the present smaller floor plan, and also this estimate, like exhibit C, does not take into consideration any allowance for damages for the decreased size of the building.

The damage to the grounds consisted of tearing down a picket fence, shearing off a large evergreen tree, destruction of shrubbery, and strewing of the wreckage over the property.

All personal property in the portion of the residence traversed by the plane was completely destroyed. The Navy Department has no evidence of the articles of personal property in the residence at the time of the accident except the list submitted by the claimant and attached hereto as exhibit F. The only evidence of the value of any of the items enumerated in said exhibit F is the testimony of Mrs. Hazel I. Merrick, the stepdaughter of Joseph Moret, that the cabinet radio cost \$143 when purchased about September 1942, that the automatic roaster and broiler were about 1½ years old, and that the electric range and electric refrigerator were both about 8 or 9 months old.

The claim of Joseph Moret cannot be settled by the Secretary of the Navy under any existing appropriation for the Navy or the naval service.

As the damages occasioned by the crash resulted from no fault of Joseph Moret, the Navy Department, subject to the comments set forth in the seventh to eleventh paragraphs hereof, considers the bill S. 1325 meritorious and recommends its enactment in such amount as the Congress may deem appropriate.

The cost of the proposed legislation is \$17,191.66.

The Navy Department has been advised by the Bureau of the Budget that there would be no objection to the enactment of legislation for the relief of Joseph Moret in an amount commensurate with the damages sustained, but that in the opinion of that Office the sum proposed in bill S. 1325 is grossly excessive.

Sincerely yours,

FRANK KNOX.

()

